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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

3M COMPANY,

Plaintiff,

vs.

RX2LIVE, LLC and RX2LIVE, INC.,

Defendants.

Case No. 1:20-cv-00523-NONE-SAB

**DECLARATION OF CARMINE R.
ZARLENGA IN SUPPORT OF
PLAINTIFF 3M COMPANY'S MOTION
FOR A TEMPORARY RESTRAINING
ORDER AND PRELIMINARY
INJUNCTION**

*[Filed concurrently with Plaintiff's Notice of
Motion; Memorandum of Points and
Authorities; Declaration of Dale Giali;
Declaration of Charles Stobbie; Declaration
of David A. Crist; and [Proposed] Order]*

Action Filed: April 10, 2020

Amended Complaint Filed: April 19, 2020

Jury Trial Demanded

1 I, Carmine R. Zarlenga, declare as follows:

2 1. I am a partner at the law firm of Mayer Brown LLP, counsel of record in this action
3 for Plaintiff 3M Company (“3M” or “Plaintiff”). This declaration is made in support of Plaintiff’s
4 Motion for a Temporary Restraining Order and Preliminary Injunction against Defendants
5 RX2Live, LLC and RX2Live, Inc. (collectively, “RX2Live” or “Defendants”), which is being filed
6 concurrently herewith. I have personal knowledge of the matters set forth herein, and could and
7 would competently testify thereto if called as a witness.

8 2. On April 16, 2020, Mr. Joe Lipari of The Sultz Law Group contacted my firm,
9 Mayer Brown LLP, on behalf of Defendants. Mr. Lipari indicated that he was in the process of
10 being engaged as defense counsel in this action and that his telephone number where he could be
11 reached is (845) 705-9317.

12 3. I returned Mr. Lipari’s telephone call on April 16, 2020, and left a voicemail
13 message. Mr. Lipari did not return my call.

14 4. On April 24, 2020, at 7:01 PM Eastern Standard Time, I sent Mr. Lipari an email to
15 inquire about his status as defense counsel for RX2Live and to provide notification of the instant
16 Motion. Mr. Lipari replied that as of April 16 he was “indeed in the process of being retained” but
17 added that “[a]s of today, we have not been retained and we are not counsel for defendants.” *See*
18 **Exhibit 1.**

19 5. On April 25, 2020, this Motion and supporting Declarations were sent via UPS
20 overnight shipping to Brian Hazelgren, Chief Executive Officer of Defendants RX2Live, LLC and
21 RX2Live, Inc., at his residence at 3126 East Gary Street, Mesa, Arizona, 85213. Delivery to Mr.
22 Hazelgren was confirmed on April 27, 2020.

23 6. On April 27, 2020, I made an effort to contact Defendants at two telephone numbers
24 that I was able to locate as being linked to RX2Live or their CEO, Brian Hazelgren: (480) 639-
25 3048 and (877) 668-7477. The first telephone number did not connect, and the second telephone
26 number is not linked to Defendants’ business.

27 7. I declare under penalty of perjury under the laws of the United States that the
28 foregoing is true and correct.

Executed this 27th day of April, 2020 at Arlington, Virginia.



Carmine R. Zarlenga